

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM:

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Cont.P.No.1795 of 2015

K.Siva Shanmugam

...

Petitioner

Vs.

B.Thiagarajan
Sub-Inspector of Police-cum-
The Station House Officer
Odiansalai Police Station
Puducherry.

...

Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to take necessary action against the respondent for his willful disobedience of the orders dated 15.04.2014 and 24.05.2013 passed by this Court in Cont.P.No.2849 of 2013 and CrI.O.P.No.13082 of 2013, respectively.

For Petitioner : Mr.K.S.Ilangovan

For Respondent : Mr.D.Bharathachakravarthy
Public Prosecutor
(Puducherry)

ORDER

This contempt petition has been filed seeking to take necessary action against the respondent for his willful disobedience of the orders dated 15.04.2014 and 24.05.2013 passed by this Court in Cont.P.No.2849 of 2013 and CrI.O.P.No.13082 of 2013, respectively.

2. Heard Mr.K.S.Ilangovan, learned counsel for the petitioner and Mr.D.Bharathachakravathy, learned Public Prosecutor (Puducherry), appearing for the respondent/State.

3. The petitioner gave a complaint dated 16.05.2013 and thereafter filed a petition in CrI.O.P.Nos.13081 & 13082 of 2013 under Section 482 Cr.P.C. before this Court, for a direction to the respondents/police to give police protection and also register an FIR based on his complaint.

4. This Court issued the following directions on 24.05.2013 by a common order in CrI.O.P.Nos.13081 & 13082 of 2013, wherein, it is stated as follows:

“4. Hence, considering the present factual state of affairs, this Court is of the view that it would be suffice to direct the second respondent. The Station House Officer, Odiansalai Police Station, Puducherry to register the case on the basis of the petitioner's complaint dated 16.05.2013, if the allegations raised therein disclose commission of any act of cognizable offence and further investigate into the same and file final report in the manner known to law. A further directions is issued to respondents 1 and 2 to consider the grant of police protection for conducting its club election, smoothly, which is fixed on 02.06.2013, if the situation warrants.

5. The Crl.O.Ps. are disposed of accordingly.”

5. However, during the pendency of the two petitions in this Court, the police registered a case in Odiansalai Police Station in Crime No.67 of 2014 for the offences under Sections 403, 406, 323 and 506(I) r/w 34 IPC and took up investigation of the case.

6. Alleging non-compliance of the order dated 24.05.2013 in Crl.O.P.No.13082 of 2013, the petitioner filed a contempt petition in Cont.P.No.2849 of 2013, in which, this Court passed the following order on 15.04.2014:

“It is now represented by the learned Public Prosecutor (Pondicherry) representing the respondent that the complaint was registered as FIR in Crime No.67 of 2014 for the offences under Sections 403, 406, 323, 506(I) r/w 34 IPC.

2. In view of the submissions so made, the contempt petition is closed.”

7. Not satisfied with the action taken by the police, the petitioner has filed the present contempt petition on the ground that the police have registered only an FIR and have not filed the final report as directed by this Court in order dated 24.05.2013 in CrI.O.P.No.13082 of 2013.

8. In the opinion of this Court, the present contempt petition is not maintainable for the simple reason that in the order dated 24.05.2013 in CrI.O.P.No.13082 of 2013, this Court has issued the aforesaid directions with a caveat viz., “if the allegations raised therein disclose commission of any act of cognizable offence and further investigate into the same and file final report in the manner known to law.”

9. No Court can direct a police officer to file a charge sheet against an accused. After registering an FIR, the police officer can also close the case as action dropped, mistake of fact or for any other good reasons, that is why, this Court, in order dated 24.05.2013 in CrI.O.P.No.13082 of 2013 , has used the expression “in the manner known to law”.

In such view of the matter, this second contempt petition is misconceived and is accordingly closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

nsd

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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SMI/30/12/2020

To

1.The Sub-Inspector of Police-cum-
The Station House Officer
Odiansalai Police Station
Puducherry.

2.The Public Prosecutor
Madras High Court
Chennai – 600 104.

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